United Nations A/C.1/49/PV.12

General Assembly
Forty-ninth session

Official Records

First Committee
12th Meeting
Thursday, 3 November 1994, 3 p.m.
New York

Chairman: Mr. Valencia Rodriguez . . . . . (Ecuador)

The meeting was called to order at 3.25 p.m.

Agenda items 53-66, 68-72 and 153 (continued)

Consideration of draft resolutions submitted under all disarmament and international agenda items

The Chairman (*interpretation from Spanish*): I call on the representative of the United States who will begin the introduction of draft resolution A/C.1/49/L.19.

Mr. Ledogar (United States of America): It is my pleasure to introduce United States Senator Patrick Leahy from the State of Vermont, who will formally introduce draft resolution A/C.1/49/L.19, entitled "Moratorium on the export of anti-personnel land-mines".

Senator Leahy sponsored legislation in the United States Senate which mandated the United States moratorium on the export of anti-personnel land-mines. He was also instrumental in the formulation of last year's resolution 48/75 K, which was adopted by consensus. That resolution called upon all States to agree to an export moratorium. Currently, 18 States have declared moratoriums.

This year's draft resolution, A/C.1/49/L.19, calls upon the international community to make a public commitment to the eventual elimination of anti-personnel land-mines. We believe that all Governments recognize the importance of addressing the staggering humanitarian and economic problems caused by the indiscriminate and illegal use of land-mines. We ask all Governments to join us in this effort.

Mr. Chairman, I would ask you now to call on Mr. Leahy.

The Chairman (*interpretation from Spanish*): I welcome the Honourable Mr. Patrick Leahy and call on him to continue introducing the draft resolution contained in document A/C.1/49/L.19.

Mr. Leahy (United States of America): I am here today to introduce, on behalf of the United States Government, a draft resolution entitled "Moratorium on the export of anti-personnel land-mines", which is contained in document A/C.1/49/L.19. It calls on all States that have not yet done so to declare a moratorium on the export of anti-personnel land-mines. It requests the Secretary-General to prepare a report on progress towards implementing such moratoriums. It encourages further international efforts to seek solutions to the problems caused by anti-personnel land-mines, with a view to the eventual elimination of these weapons. Finally, it urges States which have not done so to adhere to the inhumane weapons Convention and its Protocols, which govern the use of anti-personnel land-mines and related devices.

Almost exactly one year ago, I stood in this room and introduced a similar draft resolution — the first of its kind — which called on all States to implement moratoriums on the export of anti-personnel land-mines. That resolution was inspired by legislation that I had sponsored in the United States Senate to impose a moratorium on United States exports of anti-personnel land-mines — legislation that was passed by 100 votes to none.

94-86898 (E)

This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Section, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

The resolution of last year was a first response to a deadly plague that has infested more than 60 countries. It is estimated that, today, at least 85 million unexploded land-mines are strewn around the world. In some countries, such as Afghanistan and Cambodia, there is one land-mine for every two people, and there are tens of thousands of amputees — people who have lost arms or legs — and individuals who have lost their sight as a result of these devices. Often no larger than a can of shoe polish, and costing only $3, they lie silently waiting for their unsuspecting victims. Usually the victim is a civilian — often a young child. If people are lucky enough to survive the blast, they face lives without legs or arms, or in blindness.

But the victim is also the United Nations peace-keeper sent to Somalia or Rwanda or Bosnia. It could be a Pakistani, an American, an Italian or a Russian. Many victims are returning refugees or other displaced people. It makes no difference, because land-mines do not choose their victims. No matter how technologically sophisticated they may be, they will kill or mutilate whoever steps on them — soldier, civilian, visitor, innocent bystander or whomsoever.

Land-mines are an economic development issue, a human rights issue and an environmental issue. Every week, hundreds of people are killed or maimed by these cruel, indiscriminate weapons. The economic consequences of land-mines are devastating for poor, developing nations, where they are so widely used today. It will cost the international community tens of billions of dollars just to clear the mines that are already in place.

Land-mines were first conceived of as defensive weapons, but even in the civil war in the United States of America more than a century ago they were placed in houses, around water wells and on roadways. Today, land-mines are often used offensively as weapons of terror — sown, like seed, by the thousand around populated areas — and little or no attempt is made to record their location.

In the 12 months since I introduced that first draft resolution on a moratorium on the export of land-mines, more than a dozen countries have stopped exporting all anti-personnel mines. Italy — one of the world's largest exporters — has declared a moratorium on exports and has pledged to take the necessary steps to block the production of these weapons. The Secretary-General, Mr. Boutros Boutros-Ghali, is among the world leaders who have called for a comprehensive ban.

I am especially pleased that, in his address to the General Assembly on 26 September, President Bill Clinton endorsed the goal of the eventual elimination of anti-personnel land-mines. The draft resolution that I am introducing today, in addition to calling on countries that have not yet declared their own export moratoriums to do so, would put all countries on record in support of the eventual elimination of these weapons. The United States Administration believes that States can move most effectively towards that goal as viable and humane alternatives are developed.

This is a major step forward. It should end the debate about the need for the goal of the eventual elimination of anti-personnel land-mines. Some have called this goal too far-reaching. To them I say, "Think of the victims. Look at the global human tragedy land-mines have already caused. Think of the immense financial expense to clear the mines. Consider the danger they pose to your own soldiers or the danger they pose to those States that send people in on humanitarian missions."

The goal of the eventual elimination of anti-personnel land-mines should be unanimously supported. We must then develop an effective approach to achieving it as soon as is humanly possible. As a first step, the United States President has proposed that States conclude an agreement to reduce the number and availability of anti-personnel land-mines.

Every 15 minutes of every day, of every week, of every month, of every year that we delay, another person falls victim to a land-mine. In the past 12 months alone, approximately 2 million more land-mines have been laid. But during the same period, in every country represented here, the number of people demanding an end to this senseless slaughter has continued to grow.

Next September, the United Nations will convene a Conference to review the 1980 inhumane weapons Convention, with the special aim of strengthening its Protocol on land-mines. My Government has taken steps towards ratification of that Convention. It also strongly supports efforts to expand demining programmes. In addition, this year in the United States Senate, I sponsored and saw the passing of legislation that provided an additional $10 million for the development of more effective technology to locate and destroy mines.

The United States appreciates the support of the 57 States that have joined it in sponsoring this draft resolution. We urge others to join us, and we hope that they will

promptly implement their own moratoriums if they have not yet done so. By stopping the proliferation of these weapons we shall have taken one of the most effective steps towards the goal of the eventual elimination of anti-personnel land-mines and of ending the great human tragedy that they cause.

The Chairman *(interpretation from Spanish):* With the agreement of the Committee, I shall now call Mr. Johan Molander, Deputy Under-Secretary of the Foreign Ministry of Sweden, to address the Committee in his capacity as Chairman of the Group of Governmental Experts to prepare the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

Mr. Molander (Group of Governmental Experts to prepare the Review Conference of the States Parties to the Convention on the Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects): First of all, Mr. Chairman, I would like to thank you — and through you the Committee — for giving me this opportunity to report briefly on the state of negotiations in the Group of Governmental Experts to prepare the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, which I have the honour to chair.

I am also particularly pleased to be addressing the Committee immediately following the introduction by Senator Leahy of the United States of draft resolution A/C.1/49/L.19, on an export moratorium on anti-personnel land-mines. To meet the challenge of land-mines, all efforts must be made and those efforts must be mutually supportive.

To date, the Group of Experts has held three meetings of two weeks, in February, May and August 1994. A fourth meeting will be held between 9 and 20 January 1995, and it has been decided to hold the Review Conference itself between 25 September and 13 October 1995.

As indicated by the mandate given to the Group, its work — and thus my comments — will concentrate on Protocol II, on land-mines. The state of negotiations is reflected in the progress report — and, in particular, in the Chairman's rolling text annexed to it — contained in document CCW/CONF.1/GE/21 from the Group of Governmental Experts.

It is not my intention to take up the Committee's time by repeating orally what is contained in the report, but rather to discuss candidly some of the hurdles we are facing.

The devastating and indiscriminate effects of anti-personnel land-mines fighting wars long after the wars have ceased, long after the battles have moved somewhere else, are known to all of us. These are aftermath wars fought by an anonymous enemy against the peasant ploughing his field, the woman collecting wood to prepare the evening meal, the child fetching water from the well or playing outside his village. These residual wars must be brought to an end; and yet, it has been calculated that two million land-mines will be laid in 1994 while only 100,000 will be cleared. Humanity is losing the battle against land-mines by a factor of 20 to 1!

There is no one single solution to the problem. As highlighted by the Secretary-General himself in his report to the Assembly on the work of the Organization and in his contribution to the September/October 1994 issue of "*Foreign Affairs*", the land-mine catastrophe must be dealt with in several ways. Many initiatives have been taken in the General Assembly, such as the draft resolution on an export moratorium introduced just now and resolutions on mine clearance. Some such measures must be taken in the short term to combat this plague. Others, such as the Review Conference on the inhumane weapons Convention must have an impact over the long term.

It would seem futile to discuss possible amendments to Protocol II, on land-mines, if it is not stated from the outset that its major flaw is not that it is imperfect — which it is — but that it is not being applied.

To date, only 42 States have ratified the Convention and the Protocols. Many countries in the regions most devastatingly affected by land-mines are not bound by it, and, furthermore, it is not applicable to non-international conflicts.

The process of ratification and accession must be accelerated. Canada recently deposited its instrument of ratification. I am informed that several other countries, such as Brazil, South Africa, the United Kingdom, the United States of America and others, are in the process of ratification. These are welcome additions. On behalf of the States parties, I implore those States that have not yet done

so speedily to consider acceding to the Convention. There is still time to do so and to participate not only as observer but as States parties in the Review Conference of 1995.

The revision of Protocol II, on land-mines, with which the Group of Governmental Experts has been entrusted, is a complex and formidable task. In essence, the inhumane weapons Convention is part of humanitarian law, specifically the laws of war. At the same time, in the course of our work, a number of elements have been introduced that, more often than not, have been taken from disarmament law. I refer in particular to proposals regarding such issues as transfers, assistance, technological cooperation and verification. Experts on humanitarian law and experts on arms control do not always speak the same language. It would therefore, in my view, be useful if delegations were to include people with expertise in both fields to a greater extent.

There is no use in further debating whether the inhumane weapons Convention is a humanitarian law treaty or a disarmament treaty. In fact, the Group has set out on a path combining both elements. Delegations should be equipped to respond to that situation in order to be able to present to the Review Conference a limited and well-developed set of options.

The problems we face in the preparatory work can be grouped into five main subject areas. Two of them, the scope of application and the material restrictions and prohibitions, derive from the current text of the Convention. The remaining three — transfers, assistance/technological cooperation and verification — are subject areas hitherto not dealt with in the land-mine Protocol or the Convention.

I shall briefly address these five areas. First, with regard to the scope of application, an important, if not an overwhelming, part of the global land-mine catastrophe is attributable to the use of land-mines in non-international conflicts. This fact, as well as an international tendency to extend humanitarian law to internal conflicts — most recently illustrated by steps taken by countries such as Brazil and Colombia to ratify Additional Protocol II to the 1949 Geneva Conventions — have encouraged a number of States to propose extending the scope of the land-mine Protocol to internal conflicts.

Other States, in particular those which have not yet ratified Additional Protocol II, maintain objections of principle. These are often of a fundamental character, involving issues of sovereignty, non-interference, and so on, based on long-established policies or historical experiences. The Group has dedicated considerable time to this issue, trying to extend the scope of application while at the same time dealing with the specific concerns that have been raised.

The issue is an important one. I hope it will be duly considered in capitals and in consultations between States. I feel that in the preparatory work, the texts on the issue could still be refined, but that a final compromise may be struck only at the Review Conference itself.

The second subject area, restrictions and prohibitions, presents us with a wide-ranging array of proposals, from rather modest improvements to a complete ban on anti-personnel land-mines. On these issues, I refer delegations to the aforementioned progress report and its annexed rolling text. Let me state here only that I feel that the Group of Governmental Experts is well equipped to negotiate this part of the Protocol, despite the wide divergence between the various proposals now to hand. I am therefore confident that the Group will be able to present to the Review Conference almost square-bracket-free texts for articles 2 to 6 of the Protocol, and I hope that they will contain substantial further restrictions.

Let me now turn to the subject areas that are new to the Convention and, indeed, to humanitarian law, if we exclude the existing but somewhat dormant provision for an International Fact-Finding Commission under Article 90 of Additional Protocol I to the Geneva Conventions.

Proposals have been made for a ban on exports of weapons covered by the Protocol either to conflict areas or, more generally, to States not bound by the Protocol's provisions. There are also proposals for assistance and technology transfers, not only in the area of mine-clearance but also in respect of technology that might be required if new technical specifications for the detectability, self-destruction or self-neutralization of land-mines are agreed. Finally, three new articles on verification and compliance have been painstakingly worked out.

I would be greatly remiss if I did not clearly state that there exists to date no consensus in the Group on the final inclusion of any of these new subject areas in the Convention or the Protocol. The relevant texts will require considerable additional discussion and drafting in the Group of Governmental Experts.

I would urge Governments to study the texts at high levels in their legal, foreign affairs and defence

establishments, in a constructive and result-oriented way, between now and the next meeting of the Group in January, and between then and the Review Conference in the autumn of 1995. Each advance we may agree upon will in the end benefit the innocent civilian and, indeed, our overall efforts towards development. It must be borne in mind that a country infested with mines is unable to develop and prosper since mine clearance, at a cost of $600 to $1,000 per unit, is a *sine qua non* for starting rehabilitation and development programmes. Humanitarian considerations aside, we simply cannot afford the continued waging of land-mine wars.

I should like to mention that three proposals for additional protocols — regarding small-calibre weapons, blinding weapons, and naval mines — have been introduced, by Switzerland and Sweden. There has been little time to consider them in substance. Time must now be allotted to deal with them seriously before the Review Conference starts.

Good progress has been made in the Group of Governmental Experts. The atmosphere has been business-like, friendly and constructive. I am indebted to the delegations and to the Secretary of the Committee, Mr. Kheradi, and his colleagues in the secretariat for the promising working spirit. Still, the task remains complex. It is my feeling that the Review Conference will need three full weeks, from 25 September to 13 October 1995, and that delegations should prepare for substantive negotiations on several of the outstanding issues.

The Review Conference must — and here I quote the Secretary-General —

> "rise to the humanitarian challenge, developing and endorsing a set of provisions which would effectively eliminate the threat of land-mines". *(A/49/275, para. 29)*

Mr. Ok (Cambodia): Mr. Chairman, because this is the first time I have taken the floor, allow me first of all to convey, on behalf of the Cambodian delegation, my congratulations on your election as Chairman of the First Committee. My congratulations go also to the other members of the Bureau.

My delegation received with great satisfaction the report of the Secretary-General contained in document A/49/357, entitled "Assistance in mine clearance". It draws to the attention of those countries that sell, produce or transfer land-mines the suffering that land-mines can cause people and their adverse effects on society and morale, as well as their financial cost to the international community. Cambodia hopes that this report will promote the understanding and cooperation of member States in the fields of planning, research and financial assistance to countries that are infested with land-mines.

Land-mines are present in 64 countries around the world. Cambodia is one of those countries. It is estimated that there are at least 8 million to 10 million land-mines scattered like seed over most of the arable land in my country, especially along the border with Thailand. They are cruel weapons, used by resistance and regular soldiers alike. They do not differentiate between soldiers and civilians. They kill or maim the enemy, the person who planted them or, in most cases, innocent civilians: agricultural workers.

In Cambodia, land-mines have already killed and maimed several thousand people. There are about 40 thousand amputees now, and 200 to 230 more victims are claimed each month. One out of every 236 Cambodians is an amputee: a rate more than 100 times higher than in Europe or the United States. In addition to endangering human lives, land-mines disrupt the transportation networks and destroy agricultural production. They pollute the environment, hold back development and reconstruction activities, and interfere with the provision of relief assistance and the rehabilitation of refugees and other displaced persons.

In recognizing the scourge of land-mines, His Majesty King Norodom Sihanouk has on several occasions made his position very clear by severely condemning their use. His Majesty called upon the countries of the world to ban the production of land-mines and to destroy all those that are still in stockpiles. Our King is very grateful to those countries that have declared moratoriums on the export, transfer and sale of land-mines and related devices. His Majesty has also called upon the Cambodian parliament to pass legislation banning these deadly devices for ever.

The Royal Government of Cambodia is deeply grateful to the United Nations Development Programme (UNDP) and to the foreign Governments and non-governmental organizations that have assisted the Cambodian Mine Action Centre (CMAC) in its de-mining effort. Without this valuable contribution, CMAC would not accomplish its mission of increasing public mine-awareness and carrying out mine-marking and mine clearance. My Government is very pleased with the results of the efforts by UNDP and the international community, in close cooperation with

CMAC, on the mine-clearance training programme in Cambodia. The mine-clearance training unit has trained some 2,332 Cambodians as de-miners and 99 as supervisors. To date, there are some 1,900 trained de-miners active in Cambodia, and an area of 9 million square metres has been de-mined.

Secondly, the Khmer Rouge group has given a negative reply to the international community's appeal concerning mine clearance and are continuing to plant new land-mines. On Wednesday, 12 October 1994, the Khmer Rouge, in an open broadcast said that their fighters had planted 100 new land-mines between 1 and 3 October along Route 10, which runs southwards from the city of Battambang to the Thai border.

De-mining alone is not the solution to the global land-mine problem. My delegation strongly believes that the best and most effective way to protect innocent civilians, especially women and children, from the danger of land-mines is to ban the production, use and transfer of all types of land-mines completely and eventually to eliminate them all. In this context, my Government fully supports the statement delivered by United States President Clinton last 26 September, in which he called on all nations to join the United States in reducing the number and availability of anti-personnel land-mines as a first step towards the eventual elimination of these weapons. My delegation appreciates the initiative taken by the United States in preparing draft resolution A/C.1/49/L.19 on a moratorium on the export of anti-personnel land-mines, which has just been introduced by United States Senator Patrick Leahy. We are pleased to endorse it, and join in sponsoring it.

The Chairman (*interpretation from Spanish*): I now call on the representative of Mexico to introduce draft resolution A/C.1/49/L.9/Rev.1.

Mrs. Carvalho (Mexico) (*interpretation from Spanish*): I have the honour to introduce to the First Committee, on behalf of its sponsors, draft resolution A/C.1/49/L.9/Rev.1, entitled "Amendment of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water". I should add that the reissue was for technical reasons only.

The final and complete suspension of nuclear tests has been the international community's constant concern. Given its enormous importance for nuclear disarmament, this item has been on the General Assembly's agenda for year after year. The efforts towards achieving that objective in various forums have been many. The initiative taken by six countries to turn the partial test-ban Treaty into a comprehensive test-ban treaty has undoubtedly helped stress the importance, indeed the necessity of concluding such a treaty. It has also contributed a viable alternative for ending all technological improvements to nuclear weapons.

The agreement in the Conference on Disarmament to begin multilateral negotiations on a comprehensive, universal and readily verifiable test-ban treaty that would contribute effectively to preventing the proliferation of nuclear weapons in all their aspects and would therefore promote the disarmament process and thus internationa' peace and security has been a first step in the right direction. However, we must redouble our efforts and intensify the negotiations in order to conclude the treaty as soon as possible.

The Amendment Conference and the Conference on Disarmament will have to continue their work supporting and complementing each other. This is why draft resolution A/C.1/49/L.9/Rev.1 takes note of the intention of the President of the Amendment Conference:

...

> "to convene, after appropriate consultations and in the light of the work carried out by the Conference on Disarmament, another special meeting of the States parties to the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, as envisaged in resolution 48/69, to review developments and assess the situation regarding a comprehensive test ban and to examine the feasibility of resuming the work of the Amendment Conference". (*A/C.1/49/L.9/Rev.1, para. 2*)

We thank the President of the Conference, the Minister of Foreign Affairs of Indonesia, Mr. Ali Alatas, for his excellent leadership.

The sponsors of draft resolution A/C.1/49/L.9/Rev.1 are persuaded of the importance of leaving the way open for the Amendment Conference, and in so doing affording ourselves an opportunity to affirm our political will to conclude a comprehensive test-ban treaty quickly and effectively. We therefore expect to receive the broadest support from the members of this Committee.

The Chairman (*interpretation from Spanish*): I now call on the representative of Germany to introduce draft resolution A/C.1/49/L.27.

Mr. Hoffmann (Germany): On behalf of the European Union, the four applicant States and the other sponsors, I wish to introduce the draft resolution entitled "Code of Conduct for the international transfers of conventional weapons", contained in document A/C.1/49/L.27. I also wish to express our gratitude to Romania, Hungary, Poland and Bulgaria, who have supported this initiative from the outset and have joined in sponsoring the draft resolution. This is a short, procedural draft resolution that calls on the First Committee and the General Assembly to agree that a code of conduct should be elaborated in the most appropriate forum.

The European Union believes that the transformation of the international security situation following the end of the cold war has enabled substantial progress to be made in the field of arms control and disarmament. In the field of weapons of mass destruction, the progress achieved is well known and many delegations have referred to it in their contributions to the general debate.

In the field of conventional weapons, there have also been substantial achievements in some regions of the world — in particular Europe — but it is recognized that this is an area in which more work needs to be done. Indeed, there is growing recognition of the need to exert greater restraint in transfers of conventional weapons. The establishment of the United Nations Register of Conventional Arms shows that there has been widespread acceptance of the importance of greater transparency in arms transfers. The European Union therefore believes that the elaboration of a universal, politically binding code of conduct would represent an important step forward in the area of conventional arms control.

The objective of our proposal would be to agree on a set of principles and guidelines to promote responsibility and restraint in international conventional arms transfers. The format and detailed content of such a code would be determined in the course of the discussions. However, the experience of the Conference on Security and Cooperation in Europe, where it proved possible to agree on a set of principles governing conventional arms transfers, should give us some encouragement in elaborating a code of conduct of a more universal character.

We have not suggested a specific forum in which the elaboration of such a code would take place as we feel that it would be better to consider this issue when we have heard the views of delegations here in the First Committee. The obvious possibilities are the Commission and the Conference on Disarmament.

The European Union hopes that it will be possible to reach agreement by consensus on this draft resolution. We remain at the disposal of any delegation wishing to receive further clarification of our initiative.

Mr. Neagu (Romania): It is a pleasure for me to share in and support for the introduction by the representative of Germany, Ambassador Wolfgang Hoffmann, on behalf of the European Union, of the draft resolution on the "Code of Conduct for the international transfers of conventional weapons", document A/C.1/49/L.27, which my delegation is also sponsoring.

May I take this opportunity to thank the German delegation for its endeavours, in its national capacity and also as current Chairman of the European Union, to help merge the two initial drafts prepared by the delegations of Ireland and Romania, which were in fact going in the same direction. I am particularly grateful to the delegation of Ireland for its understanding and generous cooperation during the whole process of elaborating this text, which started in Geneva and continued here at this session with the active participation of all the sponsors.

The idea of establishing guidelines for international transfers of conventional arms was presented by the President of Romania at the Conference on Disarmament as long ago as June 1993. In his speech at the Conference, President Ion Iliescu stated:

> "Conventional arms are obviously more frequently used in the hot points of our planet and they often represent a main destabilizing factor. Moreover the balance of forces established in time or by international agreements in various sensitive regions and zones can be undermined through preferential conventional arms transfer policies. In the future the overall aspects regarding transparency in armaments could be regulated in an international treaty of universal vocation which would set standards and procedures as well as appropriate implementation mechanisms. In order to break the ground for such a comprehensive and complex world, a first stage could be aimed at agreed guidelines to serve as an international code of conduct." *(CD/PV.653, p. 4)*

In May this year, upon the instructions of my Government, I had the honour to introduce, in the Conference's Ad Hoc Committee on Transparency in Armaments, Romania's views on the need to establish agreed guidelines to serve as a code of conduct for the

international transfers of conventional arms and a working paper containing specific proposals in this regard.

In the draft resolution, the view is rightly taken that an enhanced level of openness and transparency with regard to international transfers of armaments would contribute greatly to confidence-building and security between States, ease tensions, strengthen regional and international peace and security, could serve as a useful tool in facilitating non-proliferation efforts in general and could contribute to restraint in the military production and the transfer of arms.

It is the belief of my delegation that, alongside the Register of Conventional Arms, other far-reaching international confidence-building measures such as the proposed code of conduct are needed to promote restraint and transparency in the transfer of conventional arms. In this respect, it might be useful to establish an appropriate framework for consultation and action in order to ensure that countries can never again acquire arsenals that go far beyond the needs of self-defence. Romania shares the view that arms-producing States have a responsibility to ensure that their weapons exports do not contribute to instability or conflicts in other countries or regions, and that there is also a need for importing countries to exercise responsibility and restraint in their procurement policies.

A code of conduct — open to all States — should consist of a set of guidelines, primarily a list of politically binding principles and criteria on which the arms exporting and importing policies of subscribing States should be based. The code of conduct would apply to transfers of the seven categories of conventional weapons and equipment on which States are requested to supply data to the Register of Conventional Arms: battle tanks; armoured combat vehicles; large-calibre artillery systems; combat aircraft; attack helicopters; warships; and missiles or missile systems. The addition of further categories taking into account significant technical developments could be considered under the provisions of General Assembly resolution 46/36 L.

In the view of my delegation the code of conduct would constitute a new means of promoting openness and the more detailed publication of — and internal debate on — information relating to conventional arms. At the same time, it would provide a framework for dialogue between and within States and promote the establishment or further elaboration by States of legal instruments and administrative machinery for internally regulating, and effectively monitoring their arms-procurement processes.

Such a code of conduct would allow for attention to be focused more on illicit arms transfers by highlighting known and legitimate transfers. This year, the Conference's Ad Hoc Committee thoroughly considered the Romanian working paper on a code of conduct which, as noted in the report of the Conference to the General Assembly (A/49/27, p. 145, paras. 31 and 32), was aimed at furthering the debate on how to deal with excessive and destabilizing accumulations of conventional arms, increasing openness and transparency in the field and establishing universal and non-discriminatory principles and criteria, to be followed by subscribing States in considering arms transfers, as a voluntary confidence-building measure.

My delegation was very pleased to note that many States, both members and non-members of the Conference on Disarmament, welcomed the proposal and considered it an important contribution to strengthening confidence and understanding between States. As was normal, various comments, proposals and assessments were made during the debate. A number of delegations were of the opinion that the parameters used in the proposals, such as human rights and "excessive" and "destabilizing" accumulations of arms, were ambiguous or irrelevant. Of course, these and other questions must be addressed if we are to clarify the issues further and thereby promote the objective of increased transparency.

The draft resolution leaves open opportunities for further discussion by stating that the Assembly:

> "Considers that a Code of Conduct for international arms transfers [should] be elaborated in the most appropriate forum". *(A/C.1/49/L.27, para. 2)*

The way in which the text is worded also leaves an opportunity for consensus, and I hope that the draft resolution will be adopted without a vote.

The Chairman (*interpretation from Spanish*): I now call upon the representative of Germany, who will introduce draft resolution A/C.1/49/L.1/Rev.1.

Mr. Hoffmann (Germany): It is my privilege to introduce, on behalf of 28 sponsors, the draft resolution on objective information on military matters, including transparency of military expenditures (A/C.1/49/L.1/Rev.1). The draft resolution merges agenda items 53, on reduction of military budgets, and 64 (f), on the implementation of the guidelines and recommendations for objective information on military matters. This unification of two agenda items has been made possible by

cooperation between a number of delegations, in particular the delegations of Romania and the United Kingdom. It appeared appropriate to combine the two agenda items because they both pertain to the issue of increasing transparency in military matters at the global level.

In 1992, the Disarmament Commission adopted guidelines and recommendations for objective information on military matters. This eventually became the first important result from the reform of the Disarmament Commission. The guidelines and recommendations for objective information on military matters contain, *inter alia*, principles for providing information on military matters, mechanisms in this regard at the global level and, last but not least, recommendations for future activities. The contents of the guidelines and recommendations are still of significance today as a framework for activities in this field. Therefore, paragraph 1 of the proposed resolution recommends the guidelines and recommendations for objective information on military matters to all Member States for implementation.

One of the recommendations of the 1992 guidelines — dealing with the United Nations standardized system of reporting military expenditures — still requires appropriate action. The system in operation since 1981 is an exemplary and useful means of increasing transparency in military matters. Unfortunately, participation in it is far from universal. For a number of years, only some 13 Member States have provided the relevant information; in 1992, therefore, the recommendations for objective information on military matters suggested improving the reporting system to achieve greater participation. Draft resolution A/C.1/49/L.1/Rev.1 takes up this recommendation in its paragraph 4, which requests the Secretary-General to seek the views of Member States on how to strengthen and broaden participation in the United Nations system for the standardized reporting of military expenditures. His report on this subject, to be submitted to the General Assembly at its fifty-first session, could prepare the ground for improvement to the existing reporting system.

The sponsors of the draft resolution are convinced that it is a matter of general concern that we should strive for greater transparency in military matters because greater transparency contributes to strengthening international peace and security. The sponsors therefore hope to achieve general support for the draft resolution and will work for its adoption without a vote, as has been the case with draft resolutions on these issues in previous years.

Mr. Neagu (Romania): I should like to add just a few words about draft resolution A/C.1/49/L.1/Rev.1 on objective information on military matters, including transparency of military expenditures, which has just been so ably introduced by the representative of Germany, Ambassador Wolfgang Hoffmann.

I would call this draft resolution a vivid expression of the rationalization of the work of the First Committee in action. Three years ago, Romania and Germany took the initiative of merging the two draft resolutions traditionally prepared by them under the agenda item on military expenditures and military budgets. Now, as a further step in the direction of rationalizing decision-making in the First Committee — as Ambassador Hoffmann has emphasized, with the contribution of the delegation of the United Kingdom — two agenda items, 53 and 64 (f), have been merged in an effort to improve the focus of the debate and of its outcome with respect to transparency in military matters.

Increased transparency in the military field leads to increased confidence and thus to the creation of the necessary environment for the reduction of military activities, armaments, troops and budgets, the *sine qua non* for peace and stability.

The United Nations system for the standardized reporting of military expenditures, which has been in place for more than a decade, has proved to be instrumental in this regard. The system was used by the States members of the Conference on Security and Cooperation in Europe as a basis for formulating a Europe-specific system for reporting national military expenditures. The end of the cold war and of ideological confrontation has created conditions favouring sustained participation in the United Nations reporting system. Moreover, the reporting system itself might be improved, in order to secure more active participation.

Particularly important to that end is the draft resolution's call to Member States to send to the Secretary-General their views on how to strengthen and broaden participation in the United Nations system for the standardized reporting of military expenditures. These reports and statements of views, along with the guidelines and recommendations for objective information on military matters, will make it possible to conduct a conclusive discussion in this Committee next year under a single item, as recommended in the final paragraph of the draft resolution. It is the earnest hope of my delegation that the draft resolution will be adopted by consensus.

The Chairman (*interpretation from Spanish*): I call next on the representative of Mexico, who will introduce draft resolution A/C.1/49/L.10.

Mr. González Bustos (Mexico) (*interpretation from Spanish*): It gives my delegation special pleasure to introduce draft resolution A/C.1/49/L.10, on agenda item 71, entitled "Consolidation of the regime established by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)". Among the 22 sponsors of the draft resolution, Argentina, Brazil and Chile can be counted for the first time as States parties to the Treaty.

The full accession to the Treaty of those States, the recent signature by Saint Kitts and Nevis, the stated intention of Guyana to sign soon, and the announcement by the Government of Cuba that it has decided to join the Treaty regime in the near future give us hope that perhaps we shall soon witness the conclusion of the pioneering process that will establish Latin America and the Caribbean as the first densely populated region in the world to be completely free of nuclear weapons. The fact that the Treaty is in full force for 28 of the 33 sovereign States in the region is a testament to how soon we can hope to complete the cycle of efforts and decisions by various countries in the region that share Mexico's goal of regional military denuclearization, a goal that is now very close to being achieved.

The preamble of the draft resolution notes the most recent events relating to the Treaty, including the ratification by Argentina, Brazil and Chile, the signature by Saint Kitts and Nevis and imminent signature by the Cuban Government and the fact that the amended Treaty is already fully in force for five States in the region, including Mexico.

In the operative part of the draft resolution, the General Assembly would welcome the concrete steps taken by several countries of the region during the past year for the consolidation of the regime of military denuclearization established by the Treaty, would note with satisfaction the full adherence of Argentina, Brazil and Chile to the Treaty, and would urge the countries of the region that have not yet done so to deposit their instruments of ratification of the amendments to the Treaty approved by the General Conference of the Agency on the Prohibition of Nuclear Weapons in Latin America and the Caribbean in 1990, 1991 and 1992.

Draft resolution A/C.1/49/L.10 reflects the will and the determination of the Latin America and the Caribbean region to foster international peace and cooperation by eliminating the nuclear threat. Today more than ever before, banning nuclear weapons in Latin America and the Caribbean is a key objective which the international community, and the First Committee in particular, should support most vigorously. We hope that, like similar texts in previous years, this draft resolution will be adopted without a vote.

The Chairman (*interpretation from Spanish*): With the permission of the Committee, I shall call next on the Secretary-General of the Agency on the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

Mr. Román-Morey (Secretary-General of the Agency on the Prohibition of Nuclear Weapons in Latin America and the Caribbean) (*interpretation from Spanish*): It is nearly 28 years since the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) was opened for signature by the States of the region as a legal instrument whereby a large and densely populated region declared to the world, and especially to the nuclear Powers, its desire to live in peace and spare its peoples the waste of their limited resources on nuclear weapons, preferring to spend them on the battle for their own welfare and progress.

This marked a most important step forward in the then-new sphere of nuclear non-proliferation. It also secured the region's right to development by making it clear that no provision of the Treaty of Tlatelolco would undermine its right to use nuclear energy for peaceful purposes.

The cold war and a bipolar world informed the drafting of the Treaty. Its points of reference were a devastating world war that for the first time demonstrated the horror of what nuclear energy could do if used for warlike purposes, and the early work on the peaceful uses of that energy. The constant threat of nuclear confrontation between the super-Powers made it a matter of urgency to present the world with a legal instrument — innovative for its time, but whose spirit has none the less not dated — which would show the world that, for the signatories, what they understood by "national interest" existed in a menage à trois with the interests of the international community as a whole and the other national interests within regions that, while not having their fingers on the button, would be involved willy-nilly in the war. With the Treaty of Tlatelolco, our States cast their moral veto against the

emergence of new military confrontations that would be as disastrous for mankind.

The time was short, the path was long, and the circumstances were very difficult. The world in which the first steps were taken was a changing one, and the Treaty itself had to lock step with it. Here is where we see the appearance of what we might call the Latin American spirit. International law has not escaped the influence of the fertile Latin American intellect. Some of the general principles of international law that serve us today as foundations for the peaceful coexistence of peoples are of Latin American parentage.

In the non-proliferation arena, once again Latin America took the lead internationally. Obviously, there are solid reasons for this, based on the region's spirit of peace, its desire for progress and its deep social, economic and political roots.

As I was saying, in the midst of the cold war, our region understood that the only chance of a truly catastrophic situation arising for Latin America would come from worldwide conflict. The state of complete interdependence in which we live, and above all the reach of the destructive power of the atom, makes it clear that we are not immune to our surroundings. Therefore, in the face of reality, we recreated the international rules of the game.

Latin America and the Caribbean is like that: introspective and given to self-reflection, but then, from within, it looks out towards the world at large by looking within for seeds it can call its own but which may have universal relevance. We are not reinventing the wheel; all of this flows from a logical and political way of looking at things. Latin America not only recognizes but says out loud what we all know. Hiroshima and Nagasaki marked the initiation of an important hierarchy that must be used as a cornerstone for dealing with the issue of non-proliferation. That hierarchy is the inescapable supremacy of nuclear weapons over conventional.

In the conviction that for Latin America and the Caribbean there are other more urgent priorities than the issue of denuclearization — such as extreme poverty, health, education and economic development — and with our long and extraordinary history of peaceful coexistence, we gave the region and the world the Treaty of Tlatelolco. In the conviction also that we are agreed that by speaking with one voice we can alert the world to the dangers posed by the huge arsenals of weapons of mass destruction, the Treaty of Tlatelolco that governs us on the regional level acts as a platform for us to speak in unison to the world on that most important issue, non-proliferation.

The authors of the Treaty created an international instrument rich in concepts: over the three decades it has been in force, it has always served as an example that should always be borne in mind by the international community, particularly in this vitally important time of change. Among the elements that make this Treaty unique are its indefinite period of application (article 31); the permanent option of making changes to it and thus adapting it to the times (article 30); the explicit ban on any reservations to it (article 28); the complete protection of its area of application that it affords by means of negative assurances by involving nuclear and other Powers from outside the continent (Additional protocols I and II); its express definition of what constitutes a nuclear weapon (article 5); the undertaking by the parties to use the nuclear material and facilities under their jurisdiction for exclusively peaceful purposes (article 1); and, finally and most importantly, its confirmation of the principle of international law that militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament (fourth preambular paragraph).

The Treaty of Tlatelolco, in full agreement with the purposes and principles of the Charter of the United Nations, recognizes and spells out a general principle of international law, makes it incontestable and applicable, makes rules for it and adjusts it to the evolving circumstances of the world by allowing it to be updated and changed, by ensuring that it is observed in a major populated area, and by serving also as a touchstone for its letter and spirit to be emulated by other, equally densely populated regions of the world.

Latin America and the Caribbean are thus very pleased at the efforts being made by the peoples and Governments of other densely populated regions of the world to continue establishing nuclear-weapon-free zones. We take this opportunity to applaud the decision taken by the parties to the Treaty of Rarotonga, and now we have great hopes for the enormous efforts by the peoples of Africa towards achieving an international treaty similar in spirit to the Treaty of Tlatelolco.

Within this general framework, and given the changing times I mentioned earlier, from 1990 on the Treaty of Tlatelolco has been undergoing updating in order to make it truly universal with respect to its area of application. To achieve this, the parties are adopting a set

of amendments making it easier for third countries in the region to become full members.

Thus, on 3 July 1990, the decision was taken to add to the Treaty's legal title the words "and the Caribbean", so including the English-speaking States of the Caribbean in its area of application, and on 10 May 1990, the area of application was updated by amending former article 25 using wording similar to that of article 8 of the Charter of the Organization of American States, so that all independent States in the region could accede to the military denuclearization regime. This important change allows Caribbean States such as Belize and Guyana to be brought under the Treaty.

On 26 August 1992, at its seventh special session, the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) adopted amendments to articles 14, 15, 16, 19 and 20 of the Treaty in respect of the Treaty's system of verification and control. The amendments basically strengthen the verification system by recognizing that the only organization able to carry out special inspections on the basis of accusations by the parties is the International Atomic Energy Agency, but they also maintain the principle that OPANAL's organs will continue to be entrusted with supervising the application of the Treaty's system of controls. We must emphasize the fact that, even though the amendments now adopted do alter the verification system, none of them alters the fundamental principles or essence of the Treaty itself.

The amendments to which I have referred enabled States in the region with significant degrees of nuclear development to become full members. Argentina and Chile did so on 18 January 1994, and Brazil on 30 May. Furthermore, the majority of member States have subscribed to the amendments and are in the process of ratifying them under their own internal legislation. The Government of Mexico, as depositary, interprets the situation to mean that the amendments are in force for those States that have signed and ratified them and have also made the waiver declaration referred to in paragraph 2 of the Treaty's article 29.

At this point, the Treaty's status is as follows: of the 33 States members of the regional group, only two have not signed the Treaty. Cuba has officially declared its intention to accede to the Treaty and to become a full member of the Tlatelolco system soon. Guyana, for its part, has expressed its political will to join the regional system when the technical and legal conditions needed for it to do so are met.

Of the 31 States that have signed, only three have not yet fully completed the ratification process — Belize, St. Kitts and Nevis, and Santa Lucia. Thus, 28 States in the region are full members of the Tlatelolco system. Moreover, through their signing and ratifying Additional Protocols I and II, the Treaty of Tlatelolco is now fully respected in all its objectives and explicit provisions by China, France, the Netherlands, the Russian Federation, the United Kingdom and the United States of America.

The system of peace and security established and promoted by the Treaty of Tlatelolco makes the role of Latin America and the Caribbean in the multilateral disarmament agenda increasingly important. Thus, the region reiterates that the very important question of the non-proliferation of weapons of mass destruction, at both the regional and global levels, must be taken up in a comprehensive, integral, balanced and non-discriminatory manner. This must be done in such a way that nothing impedes access to the full development of advanced dual-use technologies for exclusively peaceful purposes.

Even though the OPANAL's primary and major task is the consolidation of the denuclearized zone, it has never lost from view the fact that its vocation is to gain access to nuclear technology for exclusively peaceful purposes and establish cooperation programmes towards this end, so avoiding a widening of the gap between the developed and the developing countries.

Throughout its years in operation, OPANAL has demonstrated its interest in attending the meetings of the Programme of Regional Cooperative Arrangements for the Promotion of Nuclear Science and Technology in Latin America and the Caribbean (ARCAL) as an observer, and last month in Vienna, at their most recent meeting, the membership agreed that OPANAL should attend in that capacity.

Making the area of application of the Treaty of Tlatelolco universal and consolidating the Treaty at the regional level entails OPANAL's expanding its activities, and this will necessarily involve a decision by the member States to modernize OPANAL's general secretariat — of course, this will be a short term project. We believe that the links between OPANAL and the International Atomic Energy Agency (IAEA) will complement this work of universalization and consolidation within the express mandate given by article 1 of the Treaty, whereby the

nuclear material and facilities placed within the Treaty's scope are to be used exclusively for peaceful purposes. As long as OPANAL has existed, and even before the Treaty was established, our region obtained invaluable assistance from IAEA. We expect to go on receiving that assistance, not so that we can duplicate our efforts, but so that we can join forces to the benefit and for the development of our peoples.

A major decision presently occupying us is how to develop, under the Treaty's guidelines, international non-proliferation instruments that must, firstly, satisfy the contracting parties and also and not least meet the constant and paramount interests of the international community as a whole: this is necessarily a political decision and must therefore have all the necessary elements for any commitment that is achieved to be respected and also for ensuring that it is respected.

A global non-proliferation regime should therefore include the following elements: a firm political will on the part of the States parties to reach agreement, and unshakeable political resolve that that agreement will be respected; the necessary good will from the parties, based on transparency in their nuclear activities and on confidence that they will generate and exchange data on them; recognition of the principle, as set out in the Treaty, of the shared responsibility of parties with and parties without nuclear weapons not only to avoid proliferation but also to achieve a total ban on these weapons of mass destruction while allowing transfers of cutting-edge nuclear technology for exclusively peaceful purposes; the irrevocable acceptance that the systems must continue to be strengthened whereby the competent international bodies verify, control and inspect nuclear facilities in implementation of norms recognized by the international community; an awareness on the part of the international community that non-proliferation is only an important means towards achieving the total destruction of nuclear weapons, as a start and with general and complete disarmament to follow.

The Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean is an example that must be taken into account in the noble quest for universal peace to which we are all committed. Much has been done, but there is still much to be done. The twenty-first century will in its turn continue to bear witness to the unshakeable will of the peoples of Latin America and the Caribbean to achieve peace and development.

The meeting rose at 5 p.m.